

HOUSE....No. 120.

Commonwealth of Massachusetts.

To the Legislature:—

The undersigned, proprietors on the northerly shore of South Boston, *earnestly remonstrate* against the passage of an Act concerning the Boston Wharf Company, (House, No. 53,) now before you, because—

1st. The successful aggressions of that company, since its incorporation in 1836, upon public and private rights, have been such as to excite the greatest apprehension on the part of your remonstrants.

It has been constantly attempting to encroach upon the rights of others, and with a steady purpose, without owning a foot of upland, is now seeking to monopolize the whole south-east shore of Fore Point Channel.

This is unjust.

See Act 1836,	.	.	chapter 259.
" " 1837,	.	.	" 70.
" " 1838,	.	.	" 118.
" " 1845,	.	.	" 239.
" " 1850,	.	.	" 246.
" " 1852,	.	.	" 278.
" " "	.	.	" 171.
" " 1854,	.	.	" 218.

See also Legislative Documents, title "*Boston Wharf*," from 1836 to 1854, inclusive.

2d. This Act will interfere with cases now pending in the Supreme Court of this Commonwealth, to the prejudice of our rights, and no provision in the Act, which does not render it wholly void, can prevent such injury.

3d. This Act cuts off and interferes with, water access to our lands, and takes private property without any public exigency, and without compensation.

4th. This Act interferes with the right of the State to order and direct the improvements on South Boston Flats, for the benefit of Boston Harbor, and renders that right of no avail.

See Act of 1853, chapter 385, section 3.

The "mode prescribed by law," named in section 1 of the Act now prayed for, is not yet prescribed in full, and cannot hereafter be, if this Act should pass.

5th. The Act grants away the most valuable portion of the State's interest in South Boston Flats, without securing any adequate return in Harbor improvements.

The provisions in this Act requiring the Boston Wharf Company to pay its proportion of the expense of excavating, *is nugatory*. That Company is not referred to in the Act of 1850, ch. 254, providing commissioners to assess expenses for improvements therein named.

6th. This Act is in direct conflict with the principle of division of those Flats, settled by the Supreme Court, in *Gray vs. Deluce and others*; 5 Cushing's Reports, p. 10, and the uniform policy of the State to grant to coterminous shore owners, the flats *in front* of their respective estates.

7th. This grant to the Boston Wharf Company will render it impossible for the shore owners to improve their respective estates, as they desire to do, according to the State plan for the benefit of the Harbor, and will wholly deprive us of water access, the most valuable, to and from Fore Point Channel, which we have always hitherto enjoyed, and which is our right.

And your remonstrants earnestly protest against granting to any party owning flats on said Cove, the right to wharf out according to metes or bounds. If the true lines of the Boston

Wharf property coincides with the lines specified in the Act proposed, there is no necessity in specifying them. If the true boundary lines do *not* coincide, it would be most unjust to specify them; there being other and competent tribunals in the Commonwealth, to settle and determine where the true lines in fact are.

DEMING JARVES.
EDM. MUNROE.
THOMAS CAINS.
SETH ADAMS.
ISAAC PRATT, JR.
TIMOTHY BEDLINGTON.
B. C. BARTLETT.
B. V. BARTLETT.
BAILEY & JENKINS.

Boston, February 23, 1855.

